

**CITY GOVERNMENT
OFFICIAL PROCEEDINGS OF CITY COUNCIL
SAVANNAH, GEORGIA
March 7, 2013**

The regular meeting of Council was held this date at 2:00 p.m. in the Council Chambers of City Hall. The invocation was given by the 2013 St. Patrick's Day Parade Grand Marshall James Ray, followed by the Pledge of Allegiance to the Flag.

PRESENT: Mayor Edna Jackson, Presiding
Alderman Van Johnson, II Mayor Pro-Tem
Alderman Tony Thomas, Chairman of Council
Alderman Mary Osborne, Vice-Chairman of Council
Aldermen Carol Bell, Tom Bordeaux, Mary Ellen Sprague,
John Hall and Estella Shabazz

Acting City Manager Stephanie S. Cutter
City Attorney W. Brooks Stillwell
Assistant City Attorneys William W. Shearouse and Lester B. Johnson, III.

Approval was given for the Mayor to sign an affidavit and resolution for an Executive Session held this date to discuss litigation upon a motion by Alderman Johnson, seconded by Alderman Thomas and unanimously carried.

MINUTES

The minutes of the following meetings were approved upon a motion by Alderman Johnson, seconded by Alderman Thomas and unanimously carried:

- Approval of the Summary/Final minutes of the City Council Work Session/City Manager's briefing of February 21, 2013
- Approval of the City Council Summary/Final Minutes of February 21, 2013.

PRESENTATIONS

City employee Wilhelmina Scott was recognized for the "I Am Tourism Award" by the Tourism Leadership Council. Acting City Manager Stephanie Cutter said Ms. Scott received the award February 21st. This day presents an opportunity for the Mayor, Aldermen and 2,500 City employees to join TLC in recognizing the dedication and commitment of Ms. Scott. She serves the citizens, businesses, and visitors with excellence. Mayor Jackson said when arriving at City Hall, the first smiling face she sees is Ms. Scott's. The tourist and Visitor's Office always has such pleasant things to say about her. She is the first-line person and she makes the employees and residents look good. Ms. Scott thanked everyone and said she enjoyed being a City employee.

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Roger Moss, Artistic Director and Executive Director and Co-Founder Cuffy Sullivan of the Savannah Children's Choir, were present to invite the Council members and the public to learn more about the choir and their activities at savannahchior.org. The nonprofit choir has grown since their beginning in 2006 to an internationally known and award winning choir. They won a gold medal in Italy in the first-ever international competition. Mr. Moss thanked the Mayor, Council and the City for their support the past few years.

Rob Gibson, Executive and Artistic Director of the Savannah Music Festival, appeared before Council announcing the 2013 Festival. Mr. Gibson thanked the Mayor and Council for their continued support of the festival. This is the festival's 24th year going from a \$7,000 a year event to a \$3.1 million organization and a 6-1 return on the dollar. This is the largest music festival in the state with 7,000 students in Chatham County attending. It will be for eighteen days this year starting March 6th. Mayor Jackson thanked Mr. Gibson for the hard work over the years and show casing the City.

Rev. Dr. George P. Lee, III and Local Coordinator Alderman Carol Bell were present on behalf of the United Negro College Fund (UNCF). Alderman Bell said the campaign is not new, it is over 67 years old and it stands for education. It provides scholarships for students in over 900 universities. Over 10 years ago Bill Gates gave an endowment of 10 billion dollars to be used for scholarships. She asked that the community support the campaign. Dr. Lee received his higher education at a UNCF sponsored school. He challenged the Council to go into their District and contact five businesses to support UNCF. Alderman Bordeaux said he was the Corporate Chair for UNCF in his earlier years and has always been impressed with their work.

The members of the St. Patrick's Day Parade Committee were present to request a permit for the 189th Annual St. Patrick's Day Parade on March 16, 2013: Grand Marshall – Tim Ansley; General Chairman –Brendan T. Sheehan; Vice Chairman - Kevin C. Halligan; Secretary - Michael J. Hogan, Jr.; Treasure - Brian M. Counihan, Sr.; Adjutant - Michael A. Kenny, Sr.; Membership Secretary – Lawrence E. Edgerly; Assistant Secretary - Ashley Norris; Financial Secretary – John Patrick Fogarty; Chaplin – Father Patrick O'Brien; Executive Committee – T. Frank Baker, J. Patrick Beytagh, Jr., Mark Corrigan, Sr., John Patrick Fogarty, Joseph F. Ireland, III, Pete Liakakis, Charles McAuliffe, III, Daniel Winters, and Thomas J. Mahoney, III; Office Managers – Angela H. Coleman and Patty W. Wilson; also, Alderman Tony Thomas.

Spokesman Brendan Sheehan introduced Grand Marshall Jimmy Ray. Mr. Ray said his father was the Grand Marshall in 1989. Alderman Osborne said the Council does not want to be number 200 in the parade line up; they want a prime spot. Adjutant Michael A. Kenny said the Council will be below the 200 mark in the parade and it will be a prime spot. Mayor Jackson said the City staff, including the Chief of Police and Events Coordinator Marty Johnston work diligently with the parade committee to make this a safe and enjoyable weekend. Upon a motion by Alderman Osborne, seconded by Alderman Thomas and unanimously carried the permit was granted.

LEGISLATIVE REPORTS

ALCOHOL BEVERAGES LICENSE HEARING

As advertised, the following alcoholic license petitions were heard. No one appeared in objection to the issuance of the licenses. Upon a motion by Alderman Johnson, seconded by Alderman Thomas and unanimously carried, the public hearing was closed. Upon a motion by Alderman Thomas, seconded by Alderman Osborne and unanimously carried the petitions were approved per the City Manager's recommendations:

Robert Hauft for 3B Cue, LLC t/a Brick House, requested a liquor, beer and wine (drink) license with Sunday sales and hybrid permits at 514 Martin Luther King, Jr. Boulevard, which had a 2012 liquor, beer and wine (drink) license with Sunday sales and is located between W. Gaston and W. Huntingdon Streets in District 2. (New ownership/management) (Continued from February 21, 2013 for re-advertisement)

David J. Tonroe for B & D Burgers, Inc. t/a B & D Burgers, requested to add a hybrid permit to an existing 2013 liquor, beer and wine (drink) license at 209 W. Congress Street, which is located between Jefferson Street and Barnard Streets in District 1. (Existing business)

Mehul B. Patel for Main Stream Hotel Group, Inc. t/a Hawthorn Suites, requested a beer and wine (drink) license at 4 Stephen S. Green Drive, which is located between Airways Avenue and James B. Blackburn Drive in District 1. (New ownership/new management)

Amy H. Coury for Pizza Hut of America, Inc t/a Pizza Hut, requested a beer (drink) license with Sunday sales at 11510 Abercorn Street, which is located between Largo Drive and Mercy Boulevard in District 6. (New management/existing business)

Timothy Strickland for J & T's Warehouse, Inc. t/a Mojo's Juke Joint, requested a liquor, beer and wine (drink) license at 307 W. River Street, which is located between Martin Luther King, Jr. Boulevard and Barnard Street Ramp in District 1. (New ownership/management)

Kinnaree M Patel for D & K Savannah, Inc. t/a Discount Corner No. 3, requested a beer and wine (package) license at 10401 Abercorn Street, which is located between Frontage Road and Tibet Avenue in District 6. (New ownership/management)

Jagdish I. Patel for Jamanaji, LLC t/a Kelly Food Store, requested a beer and wine (package) license at 1220 Habersham Street, which is located between Henry and Duffy Streets in District 1. (New ownership/location) (Continued from February 21, 2013)

Alderman Johnson said wanted to highlight the engagement of the Victorian Neighborhood Association. Everyone bemoans the establishments that sell alcohol going into the residential areas and this is also an issue that involves zoning. The Victorian Neighborhood Association, City staff, Assistant City Attorney, and the petitioner have worked back and forth in several meetings to come up with an opportunity where everyone can coexist and everybody gets what they want. He thanked the City staff and the Victorian Association for the hours they put in and

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their dedication. It could be a model for other establishments. Ultimately the City Council and staff will need a discussion about revenue and alcohol and how it applies in the ordinances.

Alderman Bordeaux said he felt he was “between a rock and a hard place.” Mayor Jackson said it was a public hearing and asked that the attorneys come forward.

Assistant City Attorney Lester Johnson: *Mayor and Aldermen of the City of Savannah, we had the ability to meet, hash through and collaborate on what we believe is the beginning of something that will become a part of the process as we go to convenience stores asking for beer or wine, beer and wine package licenses and others as well. Basically, when a person commits a crime and they don't serve time in jail but are put on probation, these are the things they have to do. If they don't do it then you have to go back. So, what we hope this Council would be willing to do is basically give conditions. We don't call it probation but conditions. These are the conditions we want you to operate under while we give you the license that you are asking for. If you violate these conditions, then we would hope that when the Revenue Department comes before you all and ask that you consider show-cause, to do something to the operator, the licensee that you consider doing it. Based upon the fact this is a negotiated agreement between all parties. Mr. Patel through his attorney Mr. Yellin is not going to be surprised at what is in here because we worked through it with him. The neighborhood association is not going to be surprised. I will tell you that not all of them are happy with everything but a majority of these items they are happy with and can live with, as long as we agree to enforce it. We have agreed and advised them we will monitor this and any other licenses where we attach conditions. So, we got Mr. Patel to sign it, it will be attached to the license application and we will ask the Revenue Department to monitor it. We have also asked the neighborhood association to advise us when they believe there is a violation of these conditions, to document that they have done that, and they have agreed to do that as well. The Revenue Department can't do it by itself but as long as we have others assisting us, we feel fairly confident that Mr. Patel, who has agreed to operate as a good citizen and as a good neighbor, is going to join the neighborhood association and meet with the Zoning Department to talk about what permits he needs for signage because signage was a big issue as well. Through this process we think it will be a prototype for other organizations in the future. This Council is going to have to step up to the plate now that we have a new Revenue Director, and look at zoning and look at other items to see if we want to amend our current zoning and alcohol license ordinance to see if it can better protect the neighborhood. That is going to be up to the Council to decide in the near future. I think those are the main items that should be discussed but Judee, Sgt. Williams, Mr. Yellin, and Mr. Norman from the neighborhood association are here and we will be happy to answer any questions you all may have about the process.*

Mayor Jackson allowed each Council Member to speak.

Alderman Shabazz: *Attorney Johnson, you mentioned the revisiting of our zoning laws in reference to alcohol beverage licenses. My question is, how long does it take to get this ball to roll? I believe there are some business persons over in the district where I serve, in the Fifth District, that are planning and I hope that they are taking all of this serious, because I am. If we come up with some new ordinances and zoning rules, they can take this into consideration as they plan to open businesses and needing an alcohol license that the new laws and ordinances are in place. So how long is it going to take for this ball to roll, because it needs to start rolling*

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quickly? Also, I would like someone, the City Manager, Attorneys, someone would let me know which one of these items the neighborhood association disagrees with .

Attorney Johnson: *We are not going to do anything until after March 17th. After March 17th the City Attorney, Sean Brandon, Marty Johnston, the new Revenue Director, Judee Jones, Sgt. Williams, Brian Gore, myself and others will start that process of deciding how we will proceed forward. Some of the work has been done by Sean Brandon and Marty Johnston. They have been working behind the scenes to come up with some proposals. Even though we have been working through the process we have been working on the process as well. I wish I could give you a definitive date, but we will work on it as expeditiously as possible. I do know that the City Attorney wants to meet after the St. Patrick's Day festivities with all the motioned individuals so that we can at least get a timetable and share that with you all.*

Alderman Hall: *I don't know where to begin with this list. Are you asking someone to wear a name tag?*

Attorney Johnson: *Yes, Mr. Hall, to identify themselves. That is one of the things that our Revenue Department is having a problem with. When we go into a licensed establishment we don't know if it is the employee or just some guy hanging out. So, we encouraged them to do that just because it helps us. We have cases in Recorder's Court where someone says, I went into the establishment your honor and I assumed that person was the employee, but there was nothing to identify them as such. So we asked Mr. Patel if he would do that and he was gracious enough to say he would. He understood the benefit for him as well as for us to have that identification.*

Alderman Hall: *OK, will they be allowed to sell lottery tickets? And will the lottery signs be on the inside? Can they advertise a beer brand on the inside of their window? If he did advertise would he be violating the law?*

Attorney Johnson: *Yes, they will be allowed to sell tickets and the Lotto sign will be on the inside and the neighborhood association agreed that the Lotto sign was fine. They did have some problems with other signage such as the advertisement of the beer brands and Mr. Patel agreed not to do that. If he did advertise then we would bring to Council a show-cause. He would not be violating the law, but he would be violating the agreement that you all are going to approve when you approve the license, and there is a difference.*

Alderman Hall: *So, Mr. Patel agreed to this so I assume he can live with it. The monitoring – I don't want this business to be piled upon. These people don't want it there anyway and he is going to be getting the trash when the wind blows from the fish market and everywhere else. This is not going to be this man's trash but I understand he is going to have to be out there every day picking up trash and maintaining his property and keep it in order. But, I just don't want a whole lot of piling on him and bringing him back up here before Council; I'm done with that.*

Attorney Johnson: *We of course will only get involved, especially in terms of a show-cause if there are a series of violations that we consider to be material violations. The kind of thing you are talking about we can deal with simply by going and saying – hey Mr. Patel did you forget and we expect him to say he did forget and he would take it down.*

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Alderman Hall: *I think this is going to be the least of their worries because they are going to have the fish market opening and you know how fish markets are in the summer time; they have another issue.*

Alderman Sprague: *Assistant City Attorney Johnson, I reiterate what Dr. Shabazz said, that it is very important that we go ahead and get as much of this as possible into our ordinances. I have convenience stores that have all these same issues and more. I would very much like to have some teeth put into what we currently have and put this to all the convenience stores in all the neighborhoods so that we don't have this problem as we have had over, and over, and over and over, come back to us. I think we have to have certain expectations of our convenience stores that if they are not meeting them, they need to go. My concern about this particular one is a similar concern that Alderman Hall had, and it is how do we enforce it, if these are not ordinances? There are no ordinances, currently on the books that say no video gaming machines, if it is, it is not being enforced because of the state law. How can we enforce a law of these different issues?*

Attorney Johnson: *The fact that he signed it today, allows us to attach it. The preamble to this says – by signing this I agree that you can enforce all of these things I have agreed to, in enforcing your license. The power you have as an Alderman is to bring him before you as a body and say – you have agreed to number four, we have proven you have violated it and we want to suspend you for 30, 60, 90 days, or we want to revoke you. You have a series of things you can do to a license holder.*

Alderman Sprague: *Why can't we hold the same standards to all license holders?*

Attorney Stillwell: *Ms. Sprague, if I can follow up on what Mr. Johnson is saying, it is the intention of the staff and the attorneys to present you with an ordinance to regulate convenience stores throughout the City. This particular agreement that has been negotiated between the parties is an interim-type step to facilitate this particular license. However, you are aware that there have been other incidents and we have these side agreements. We had one with a liquor store on West Bay Street a couple of weeks ago. This is not something we can do in a week. With an ordinance like this that will apply City-wide, a lot of people will get involved in the discussion. Undoubtedly, you all will get lots of phone calls about it. It is going to take several months of staff work to try and iron out as much of that as we possibly can, before we bring it to you and get you all involved in a lot of phone calls from various constituents. We will try and solve as many problems as we can and it is not something we will be able to do overnight. We now have a new Revenue Director, a new Assistant Attorney coming on board next week and we have already started working on it. This is a multi-departmental issue and we are trying to address it as a comprehensive whole; not just liquor and underage sales, but litter, loitering, signage, and video machines. They all go together to create the neighborhood blight problems throughout the City. We are working on it, but it will not be ready for the next Council meeting.*

Alderman Johnson: *To reiterate what I said in the beginning, this is a prototype. I realize that our revenue ordinance is antiquated. It is difficult to enforce, there is ambiguity throughout the document and we realize this is a preamble for what is to come. If that means we need more staff to be able to enforce it, I am fine with that. We asked our neighbors to be more active and take more of a stake in their neighborhoods. We should not penalize them because they are*

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doing that and they care enough to say – you know what, this is something we think is going to negatively impact our neighborhood. So again, my hat is off to the Victorian Neighborhood. I think we should do this and attach it and if all goes well we won't see either one of them again, on this issue. If it doesn't then we have some work to do. The other issue we have to really look at is how zoning impacts this. We need to look at density to the number of these types of establishments that are in every area. When people are concentrated, you could literally have a bunch of them back-to-back. Is that ultimately what we want for our City? We need to make sure we maintain a balance of residential and commercial life. They have to be able to feed upon each other and not work against each other.

Alderman Thomas: *I have several comments – One, I want to applaud the neighborhood association that has worked regarding their concerns; but, I have very serious, serious reservations about this. This strikes me as being discriminatory - It strikes me as taking private property rights – It strikes at placing unreasonable requirements on a business – It is a potential constitutional violation of constitutional rights. My question is, would you force this on a major chain or any other company throughout the City? Some of the other Aldermen mentioned issues with convenience stores and I too have those same issues. By forcing, in order to give this alcohol license in this location, by forcing this owner to adopt all of these, when we have other stores throughout the City. I have heard the argument this is going to take time to put together and all that; but if this location was such a nuisance – if this was a nuisance site that was causing this many problems, and our enforcement ordinances that are already in place, were not addressing these issues, then why didn't it come back to us prior to this? I was looking through this and if signage was such an issue then why didn't we see where signage had been addressed where window space in these stores had been addressed – different things like that? Arrest, calls for service, illegal drugs dealings, prostitution – all of these different items that I have kind of browsed through and saw – If they were such an issue in this particular site – why didn't we hear about them when other licenses were getting renewed year after year after year?*

I am going to vote against this, but this is what bothers me worse – I am not voting against the neighborhood, I am voting against the principal that – if we make this owner do this – if we make this petitioner do this – why aren't we making other petitioners do the same? Why are we not adopting it across the board? I can bring you 10 names of 10 locations of stores that need to be addressed and I just think - I have been up here a long time and we treat ownership of Patel stores very close to the line that we don't treat other stores. I'm saying that on the record because it bothers me that we are being borderline discriminatory with this petitioner versus other problems that we have in the community. I can't support that; however saying that, I think we need to address the issues that the neighbors have raised – problems with prostitution – hanging out – calls for service – the different blight and quality of life issues that the neighborhood has raised. They need to be addressed and if there is a violation then this license needs to be taken. But I will not support placing unreasonable conditions on an operator that we wouldn't place anywhere else in this City.

Attorney Johnson: *First of all, we did not force this on anyone Alderman Thomas. He had an attorney sitting with him at the table and they agreed to certain things as anyone would do. When any business license holder comes to us and says – I want a license to operate a business in the City of Savannah and I understand there are some issues in this neighborhood – I am willing to do these things so that I don't become an issue – it is voluntary. That's what this*

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agreement says – I have not been coerced, and I am voluntarily doing this. If Attorney Yellin and Mr. Patel said we are not going to do any of this, we would be hard pressed to tell you all that you must make them do this.

Alderman Thomas: *With all due respect, I whole heartedly disagree with you. This conditional agreement – just by the tone and the language of this conditional agreement, basically suggests you are not going to get an alcohol license unless you agree to these things – I understand that. So, the fact that he sat there with an attorney, with the Assistant City Attorney, and staff – and created this contract – I can appreciate that – and I can appreciate if he wasn't coerced or forced – in order to get a license – to say I'm going to do this out of the goodness of my heart to be a part of this community. But, my gut tells me that his lawyer and the petitioner said – if we don't agree to certain conditions – we are not going to get a license – and I have a problem with that.*

Attorney Johnson: *No sir, Alderman Thomas I would never sit at a table and let anybody suggest that. I did not do it this time, nor would I ever do that.*

Alderman Thomas: *Well I am telling you right now, if that is the case, with all due respect Mr. Johnson, we should vote this license either up or down with no conditions. But, the question still begs to be answered – why didn't the City through the current ordinances already on the books – create a situation over there that the neighborhood did not feel that they had a problem location and a site that should have been enforced before this point?*

Alderman Osborne: *I agree with many points that Alderman Thomas has brought up and I have a couple of questions. This is an agreement for an alcohol license - are we issuing these for everyone that comes up for an alcohol license now - regardless of whether the neighborhood association says anything or not – will it be the same set of language?*

Attorney Johnson: *No, it depends upon the circumstances and every community has different responses. I don't know if you were on Council, in Alderman Shabazz's District but she was not the alderman then, in Tatemville – not only did we make them do certain things – and we didn't put it in writing at that time, but they stood right here on record – and we made them do a lot of things.*

Alderman Osborne: *I am aware of that. My concern is, there are several statements in here that I don't see are applicable to every store. My second question is – who is the governing body for video machines, is it not the state? OK, it is the state - so number 1 says no video gaming machines – I understand the neighborhood association doesn't want them because it creates loitering and that kind of things, but can we do that to a business if they want to have them?*

Attorney Johnson: *If a license applicant agrees not to do it, then yes. They did not have to agree.*

Alderman Osborne: *The other thing I would like to find out is – I am very well aware of this location because someone else attempted to open a business there some time ago – I went to the MPC meeting. The neighborhood association didn't come up with anything like this – they were just objecting. But their objections were based mostly on the business several stores down on*

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Duffy and Abercorn Streets, where there is just a mess. I am sure they felt this business would create the same thing and I can understand that. It is fine to sit down and talk to one another and come to some agreements – we don't want this – we don't want that. But you know, I feel very strongly that sometimes, depending on who's applying, they get slammed in the face before they even get a chance to do that. That is why I say I agree with some of the things that Alderman Thomas said. You say he did this voluntarily and he agreed on it, but I want to make sure that our enforcing agents are out there. I don't see anyone here from Property Maintenance and most of these issues are Property Maintenance issue and I don't see a soul here from that department. They are here for your meeting but not here to address any of these issues and they are connected with the alcohol license. I see you have something in here about underage drinking; I'm glad you have something in here about alcohol because the license should be tied to the violations of alcohol.

I can tell you and call it by name, Chu's on Park Avenue doesn't have a lid on their dumpster. It is a disgrace and I never see them being sited or a lid being put on it. I don't even know if they sell beer and wine. What is Property Maintenance doing? All I am saying is, we need to be very thoughtful and careful about what we say and what we are doing. Because, I feel very strongly - like I said - and I represent the Victorian District as well - and because of their experience with the store on Abercorn and Duffy Streets – they felt the same way. I heard them say the same thing is going to happen here – yet they didn't even give the person a chance the first time around. They wanted to do an upscale establishment but it was denied and the land sat there for the longest time. They are trying to do something now. I don't know how I am going to vote because I can abstain. How do you plan to implement this with all the other stores, unless somebody objects?

Attorney Johnson: *The department did not create this document, it is something that has been ongoing and you all had not seen it because if the license was going to be approved – Sgt. Williams sat down and said – we want you all do these things – and they agreed to do it. It wasn't as formal as this.*

Alderman Osborne: *The next person that applies for an alcohol license at Ms. Jones' office, are they going to be subjected to doing this?*

Attorney Johnson: *That is something that we are going to have to let Council decide, if you want it to be across the City. Right now they don't do that Alderman Osborne. Every alcohol applicant that comes in is not in an area where they will cause anybody any concern or problems. So, they wouldn't automatically.....*

Mayor Jackson: *From what I have been told during the 14 years that I have served on Council, unless you have a conflict of interest, that as a Council member you cannot abstain.*

Alderman Osborne: *Well, that boxes me in to a no vote. But I wanted to hear how and what you all are going to come up with as to how this is going to happen when everybody else comes down to Judee Jones' office to apply for a license.*

Attorney Johnson: *Again Alderman Osborne, we cannot force this on any applicant, but we can encourage them, which they will do.*

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Alderman Bordeaux: *About half an hour ago, I said I was between a rock and a hard place, and the places have gotten harder within the last half hour. I frankly have not understood much of what has been said. As I see this, the community association, the Victorian Community District Association, did exactly what a community association is supposed to do. They came together as neighbors, they came together as people who want to protect their property values and enhance the betterment of their neighborhood. Frankly Mr. Patel did what a good neighbor and good businessman should do and what we want to encourage him to do. They talked and they worked it out, and I don't understand half of this conversation. Alderman Thomas complains that this hasn't been done for the last 50 years and why is it being done now? Well maybe it is being done now because it hasn't been done for the last 50 years. Frankly if it had been done for the last 50, or 10, or 5 years there might not be some of the problems with the Southside and some of their convenient stores and some of their neighborhoods. Now is a good time to start this which is a lot better than tomorrow, or a week from now or 50 years from now.*

So, I commend the parties involved in doing this. If there is a problem with open trash can lids, and we are complaining about that – then dang it let's put some more money in the budget for the people we pay to do that – hire more people to go out and inspect trash can lids. But we sit up here and we complain and say why haven't you done this more quickly and then we come back in 2 weeks and we complain again. Well let's hire more people to do it and maybe they can get it done faster. Maybe if we quit chasing some other rabbits every other week we will be able to inspect some businesses and maintain some properties a little bit better. I hope this does become a prototype for what we do. In the year that I have been up here I have heard plenty of complaints about how liquor stores and how businesses are maintained and operated because it does cause neighborhood blight. These neighbors were doing exactly what they should do and this man is doing exactly what he should do. I want a clarification though as to what this says because – are you saying that if there is not substantial compliance with it that there is a danger that license could be revoked?

Attorney Johnson: *No the danger is that we would be coming before you and asking you all to consider a show-cause to determine what discipline you want to evoke for them materially violating this agreement.*

Alderman Bordeaux: *My problem with understanding that is, that is not what this says. This says – as a business owner acknowledges that future renewals of the package license is contingent upon full compliance. That is renewals that is not discipline in between.*

Attorney Johnson: *But they would still have to come before you all for a show-cause if they are not going to renew the license. When he comes back in to renew and Judee goes through this list and looks at his application and says you violated 10 of the 12 then Revenue Director would decide whether those are grounds to ask for a show-cause not to renew their license next year.*

Alderman Bordeaux: *So, it is on a yearly basis. May I make one suggestion for the future, in terms of using this as a prototype – look on item number 6 where it is talking about surveillance – this talks about adequate memory storage to view up to 7 days. May I suggest you change it in the future to say at least 7 days? Up to 7 days means they couldn't have a storage memory longer than that. Frankly I would love to vote no for this, obviously for different reasons that other people have expressed, but I would like to see that neighborhood maintained, frankly I*

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think there is a danger of non-compliance. I appreciate what this business owner has done and he has made a wise move here to be a better businessman and certainly a better neighborhood. So, I commend that and I will support that process and I appreciate the efforts on both sides.

Attorney Johnson: *Point well taken on the 7 days.*

Alderman Bell: *Thank you to the Victorian Neighborhood Association and to Mr. Yellin and your client. I have been a part of some of the meetings. I would like to say, just as an FYI, that it is my neighborhood so I could attend those meetings as a resident and not just a City representative. I can say it is a very strong neighborhood association and not only do they monitor situations such as this but these citizens get out and physically pick up paper and monitor everything from litter control to noise control and all kinds of things because they do care about the neighborhood. So I commend you on what you are doing and I would hope that other neighborhoods – not just organize an association – but other neighborhoods in general take note of this and encourage businesses that are starting up in their neighborhood to be good citizens and respect the rights of the citizens who have invested in that community. So yes, I will be voting in favor of it. I also wanted to say that there has been compromise on both sides. If the neighborhood association had their way, we would deny it and not even consider it because they didn't want it. But they were wise enough to work with staff – and thanks to Judee and Sgt. Williams – and negotiate some conditions that they could all live with. Thank you Attorney Johnson for what you have done in this process and I do hope that other neighborhoods take note of this and recognize that you do have a voice even before we approve.*

Mayor Jackson: *I need to ask one question for my clarification. Mr. Patel as you can see there is a lot going on up here today.*

Mr. Patel: *That way from the beginning.*

Mayor Jackson: *I just want to clarify one thing, were you coerced in any way to sign this agreement? Were you forced in any way to sign this agreement?*

Mr. Patel: *No, no.*

Mayor Jackson: *My reasons for asking these questions – I think when we asked that it be deferred, that it would afford you and the residents of this community to get together to work out some kind of agreement because this organization through the years have been concerned about the kind of businesses that come into the community. We asked that you get together so that there would be a comfort level by what you wanted to do with your business and what they wanted to do for the neighborhood. Can I assume that in your deliberations with the residents of this community – because when I walked in the door today – I spoke to one of the former presidents and I said I understand you all worked out something and one of the gentlemen said no, we haven't worked everything out yet. And I think that's why Alderman Johnson went out and also all the residents went out at that time. I need to know, the things that are included in this agreement, you agreed to this? Am I correct?*

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Mr. Patel: *My heart I know, but I don't have a job from last 2 years. I lived in New Jersey, I moved over here to do something for myself. But here is double standard, you know. But I don't have a choice, that's why I signed it.*

Mayor Jackson: *So what I am hearing is that you feel you did not have a choice? You either had to agree or not to agree. My reason for asking, I have heard all my colleagues. I sat here very attentively and I let all my colleagues talk and I wrote some notes because I need to know – in order for us to be fair – in order for us to be fair – and yes we have put restrictions on other places in this community, with an agreement between the neighborhood and the residents. We came up with the idea a number of years ago to make sure that any business, and I can tell you when it started – it started when the Carters-Brownsville Neighborhood Association was concerned about a store that was opening at Florence and 37th Streets. There were several issues and we said that we would start, from there on, asking residents to meet with the owners to see if you could live together and you could make sure that their rights are not being infringed upon, and your rights are not being infringed upon. What I am hearing now Mr. Patel, and you have given me 2 different responses. I asked you if you were being forced to sign this.....*

Mr. Patel: *Yes, yes. No they are not forcing me but last minute everything changed. I signed it before but when ready for approval, we got to go back again and do other stuff.*

Mayor Jackson: *If we approve this today, that means that you are being held accountable for those items that are listed on this paper. Are you aware of that? Harold does he understand? Am I correct? This is not an ordinance, this is an agreement. This is part of the application.*

Attorney Johnson: *If I can say one thing – When Alderman Johnson stepped out and came over to the room, there were members of the organization that were bringing up items – that document that you have Mayor – I did that on Tuesday and we sent it out on Tuesday. That was based upon what was agreed on the prior Friday - the things that were discussed in that room was not added to the document.*

Mayor Jackson: *So they never saw this document here before today?*

Attorney Johnson: *No, apparently when we mailed it out, if you have AOL or Yahoo, for whatever reason it goes into the spam file, so folks did not see it before today. The neighborhood association was given copies today. Mr. Norman got his copy when he came to the meeting today. But there should be no surprises because that is what everyone compromised and agreed to at the meeting that Friday. Now one other thing, not everyone that is here today was at the meeting on Friday; it was the executive committee. So that is another little quirk as well.*

Mayor Jackson: *The thing is, this gentleman has been here back and forth and we put it off, and I know we put it off in order to give them an opportunity to meet. I understand the neighborhood because I used to go to all the meetings. What I see here, I am hoping, that we need to start working on an ordinance as it pertains to the stores in the neighborhoods, because if we are not going to allow signs in windows – and I hate beer signs and all that stuff – then we need to make every business in this community that is in a residential neighborhood adhere to this. Once we get an ordinance, I don't know if it can be retroactive. I don't think we are requiring all these things of people in business as it stands now. But I do feel we have to have something consistent*

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as it addresses all businesses. I don't want anybody trying to open a business in this community feel that they are being called out, for any reason whatsoever. So the consistency has to be followed.

Mr. Patel you did followed one item and that was to get with the residents. We have had some businesses come up here and agree to some things that the neighborhood agreed to as well, and I am assuming that is what this is. The majority of them agreed to what is in this document. City Manager, this is going to come up again and again and again. I don't think nobody should be put out there and called to agree to do something like this. I know where it is coming from. I don't like vending machines and if we are going to have it for one neighborhood association then we need to have it for all neighborhoods. I raise that issue because some of these machines are paying out money and not tokens. I really think we need to raid them all because I think some of them are in violation. I do think building frontage should have some decent signage. You go in certain neighborhoods and you see signs everywhere. If this is the way to get us to get sign regulations for all neighborhoods, then that is what we need to do. But I don't want to hold this person up from opening his business today, because of something that we need to do. I do know if we are going to have any more of these agreements, then the Revenue Department needs to come up with something that we can all be satisfied with.

I remember the last meeting, Tony the store in your area, End Zone; we asked for regulations regarding End Zone. We approved the license based on the regulations. But see, we are not being consistent with regulations for businesses. I don't like liquor stores that are supposed to be a convenient store that but only sells beer and wine. Maybe that is something that needs to be addressed that a part of their revenue has to come from groceries and other things, other than beer and wine. That is something that we have to look at. We are not perfect in what we are doing, but I don't want to hear Council members coming up here saying, and I have heard it loud and clear, that we are not being consistent. The way you become consistent about decisions that we make is to write an ordinance that if there is a store within so many feet of a neighborhood, then these are the guidelines that they will be governed by. Apparently we don't have all of that. I am trying to please both sides. As Mayor of this City it is my obligation to allow this man to open, but I will not have this man brought back up here because one of these items that he missed. This is a beginning point not just for his store but for other stores that are going to be operating throughout this community. City Manager, bring us an ordinance so that we don't have to sit here for a solid hour talking about this. I hear Aldermen getting upset with each other and I don't think we need to do that.

Mr. Patel, I can feel the pain of what is happening in the Victorian Neighborhood. I have been on this Council for 14 years and 3 months and we have heard the complaints from the residents about the store Mary addressed and it still is not right. If we are enforcing a law that grocery stores need a top on their cans, then we need to make sure they are. Property Maintenance needs to investigate, but it is our responsibility to call them.

Alderman Osborne: *I would like to caution you Mayor, and Council and our attorneys we need to do something. We need to draft something and have a coalition of the stakeholders involved. What kind of stores are we talking about? A convenience store adjacent to a neighborhood or a Parker's on Abercorn Street? There are differences so we need not rush and look at the variances and come up with something that we can enforce. If the gaming machines are*

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regulated by the state, we need to make sure we are not doing anything in violation with the state law.

Alderman Thomas: *Mr. Patel I want you to understand when I vote no today it is not voting no against you, it is voting no against the principal – that we have allowed – this site before you took it over – to create this community outpouring on the reopening, relicensing, transfer of the licensing of this site. Attorney Johnson, what would trigger a store having to meet with the neighborhood and go through conditional agreements for alcohol licenses? Alderman Bordeaux said so many stores on the Southside; we wouldn't be in this shape – if he ever comes out to the Southside he can tell me some of those stores – I would be glad to work with him on that so we can clean up those stores. My question is – if we have a problem store, just as we have had a problem bar – that I can't get show-cause hearings for, for years sometimes – how are we going to get these stores to follow the same type of rules that we are asking this gentleman to do, that they should already be doing? And to answer something the Mayor said – there are already ordinances on the books to govern this. The problem is the City is not enforcing these ordinances Attorney Stillwell. That's my issue so, I know we are going to re-craft a new ordinance but signage issues – there's already an ordinance on signs for these stores. I don't know why this is such a problem at this store; but I see other stores in the community and all over this City that I pass by that are currently in violation of the sign ordinance. Not to pick on this one store, but why do we continue to allow it? I think it is unfair – an unfair practice to ask this gentleman to close his business at 9:00 pm. To put in an agreement – are we going to ask other stores to make their employees wear name badges – which I think is a good practice, but if we are going to do it with him – are we going to do it with other stores? Loitering – we should not be allowing loitering already – but how many tickets have been issued in the past 5 years for loitering in the City of Savannah? Asking him to have a video camera – I think it is great to have a video camera in the convenience store – but is it a requirement? Do the other 500 stores or whatever the number of convenience stores in this City – have to have video cameras?*

What I am saying – the gentleman just testified in front of us that he has been out of work for 2 years, he came to Savannah and he is looking to get back to work. He doesn't want to do much to delay it – maybe coerced was the wrong word – but he knows he has to sign this agreement to get to work – and I think that is what he said to us – he is shaking his head in agreement now. He is going to do whatever the neighborhood says he has to do, even if it comes across that he has to do things that other stores don't have to do. I have an issue with that because the consistency and the fairness issue that must be followed. I remain consistent in myself that I am going to vote against this but I am voting against it for the fact that we have many other problem stores that if we adopt this today you all can bet I am going to look for a couple of stores to have to come up here and have to follow these same type of measures to clean up their neighborhoods as well.

Alderman Bordeaux: *Thank you Madam Mayor I was going to say that you very generously gave everyone a chance to speak once, now it looks like we are getting everyone a chance to speak twice. I don't know what else we can say about this - we can argue back and forth and go on and on for the TV – I would move the previous question to vote up or down on this. If anyone else wants to be heard, I don't want to cut anyone off.*

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Alderman Shabazz: *Mr. Brooks Stillwell, are other City attorneys working on these types of issues? Is this thing being spread across the board? The persons you are in charge of. I need to know what the other Assistant City Attorneys are in charge of under your leadership.*

Attorney Stillwell: *Mr. Johnson is in charge of alcohol and code enforcement issues. It's one of the many issues the City deals with and I have asked him to handle those. I will be glad to give you a briefing on it.*

Alderman Hall: *In recent emails, there was one person that was so against this store that a gunfight was created in Forsyth Park – to create the appearance of this store being a nuisance to the community. We found out that it was so untrue – GBI Agent was there, etc. I am just so afraid that Mr. Patel is going to get piled on in that location that he is not even going to get a chance. They don't want him there – they don't want him there – and it is evident by all these stipulations. When the City went to bar cards and hybrids, they had everybody at the table who had a stake in it. This was crafted on one particular establishment and it needs to be crafted on all of them – on all of them. Yes, I do agree with Alderman Thomas, the last people we had up here were Patels – one from Montgomery Street, one from Bay Street, and one today. None other.*

Alderman Johnson: *We have got to move on. I respectfully remind the Council that we are not talking about the future or other places, we are talking about this neighborhood, this business in this neighborhood – that this applicant and his attorney have said that they fully agreed, 2 weeks ago – the name of the place was End Zone, not Patel – this Council unanimously voted for conditions to be attached to the renewal of that license. So let's be very clear now, if that was the case then we should have righteously said no - but we all agreed that here should be conditions. So either we vote it up or we vote it down. A license – with conditions – up or down.*

Alderman Thomas: *With all due respect Mayor Pro-Tem Johnson, you are raising a comparison between a consumption premises license and a package license where people can walk into a convenience store and get eggs and ham – and according to this they have to get all these things. So you need to be clear we are not comparing apples to apples. We are talking about a problem convenience store and I understand the premise as to why we are having this discussion but it is completely different. You cannot walk in a package store and open a can of beer and start drinking it.*

Michael Hogan of 208 West Park Street spoke briefly to the Mayor and commented her on her leadership. He was in favor of Mr. Patel's store.

Upon a motion by Alderman Bordeaux, seconded by Alderman Sprague and unanimously carried the public hearing was closed. Upon a motion by Alderman Johnson, seconded by Alderman Sprague and carried the license was approved with conditions so stipulated and agreed to, (attached and made a part of the permanent record); with Alderman Bell, Bordeaux, Johnson, Sprague, Shabazz and Mayor Jackson voting in favor and Aldermen Thomas, Hall, and Osborne voting no.

ZONING HEARINGS

Aurash Kheradmandi, Agent for Abraxas Development LLC, Owner (12-001981), requested to rezone 300 Drayton Street from RIP-A (Residential-Medium Density) to RIP-C (Residential-Medium Density). The Metropolitan Planning Commission (MPC) recommended approval. The property contains an existing commercial building which houses office uses on the second and third levels. All the adjacent properties within the same block house either office or retail uses. The existing R-I-P-A zoning classification and the proposed R-I-P-C classification allow a mix of residential and nonresidential uses as is typical in a downtown area. The primary difference in the districts is the type and intensity of commercial uses that are allowed therein. The RI-P-C zoning classification exists immediately west and south of the subject property and uses similar to the applicant's proposed use currently operate within those districts. (Continued from February 7, 2013.)

Upon a motion by Alderman Thomas, seconded by Alderman Johnson and unanimously carried the hearing was continued until April 4, 2013.

Phillip R. McCorkle (13-000130-ZA), requested to amend Section 8-3112(c)(5)e.9. of the City of Savannah Zoning Ordinance to amend the provisions regarding the removal of nonconforming billboards. The requested amendment provides that should an applicant for a digital billboard not own or operate any existing nonconforming billboards within the corporate limits of Savannah, such applicant shall be allowed to convert an existing conforming billboard to a digital billboard provided the applicant meets all other requirements and development standards of this ordinance. MPC recommended approval. The approval of digital billboards in Savannah has resulted in a significant reduction of the amount of nonconforming billboard space, especially in residential areas. However, not every company owning billboards in the city has enough (if any) nonconforming billboard space to remove in order to meet the current standards in the ordinance. The proposed amendment addresses this issue while not allowing an increase in the total number of billboards. Recommend continuing the hearing to April 4, 2013.

Upon a motion by Alderman Thomas, seconded by Alderman Johnson and unanimously carried the public hearing was closed. Upon a motion by Alderman Thomas, seconded by Alderman Johnson and unanimously carried the hearing was continued until April 4, 2013.

PETITIONS

Dr. Walter Evans, Principal of West Broad Development Co., LLC (Property Owner) – Petition 120417, requested the City allow encroachment within the Martin Luther King Jr. Boulevard right-of-way for construction of a wall footing under the sidewalk. The property in consideration is located at 466 Martin Luther King, Jr. Boulevard, between Gaston and Alice Streets. The footing as proposed will encroach six (6”) inches into the right-of-way at a depth of fifteen and a half (15 ½”) inches. The footing will run approximately the length of the subject parcel’s Martin Luther King ,Jr. Boulevard property line. This request has been reviewed by Public Works and Water Resources, Park and Tree, and Development Services with several stipulations noted as follows: a separate approval will be required for pruning of the existing tree(s) along Martin Luther King, Jr. Boulevard to obtain building clearance, and the property owner will be responsible for any disturbance to the existing sidewalk due to the construction and will be

required to reconstruct it to match original conditions as per City of Savannah technical specifications and standard details at no cost to the City.

Approval of the request to allow encroachment at 466 Martin Luther King, Jr. Boulevard for the construction of a wall footing under the sidewalk as requested by Dr. Walter Evans through Petition 120417, subject to the stipulations as stated above and subject to the property owner's assumption of responsibility for injuries or damages to third parties as a result of the encroachment. The petitioner should be advised that such encroachment grants no ownership rights to the property and that, if ever required, the improvements must be removed at petitioner's and/or property owner's expense.

Upon a motion by Alderman Thomas, seconded by Alderman Bell and unanimously carried the request was granted.

ORDINANCES **First and Second Readings**

Ordinances read for the first time in Council, 2013, then by unanimous consent of Council read a second time, 2013, placed upon its passage, adopted and approved upon a motion by Alderman Shabazz, seconded by Alderman Thomas and carried.

AN ORDINANCE **To Be Entitled**

AN ORDINANCE TO REZONE CERTAIN PROPERTY FROM ITS PRESENT P-B-G-1 ZONING CLASSIFICATION TO A B-N-1 ZONING CLASSIFICATION; TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES:

BE IT ORDAINED by the Mayor and Aldermen of the City of Savannah, Georgia, in a regular meeting of Council assembled and pursuant to lawful authority thereof:

SECTION 1: The following described property to be rezoned from its present P-B-G-1 zoning classification to a B-N-1 zoning classification:

LEGAL DESCRIPTION

Starting at a point, [X: 982,313.1693 ft Y: 740,656.8131 ft] located at the approximate intersections of the centerlines of the Montgomery Street R/W [median] and Berkeley Place, with said point being, THE POINT OF BEGINNING; thence proceeding in a direction N 17-4-5 E, along the centerline of the Montgomery Street R/W [median] for approximately 102.497 ft. to a point [X: 982343.25289 ft Y:740754.796511 ft], thence proceeding in a direction: N 74-32-49 W, along a line for an approximate distance of: 678.662 ft. to a point, thence proceeding in a direction: S 16-36-37 W, along a line for an approximate distance of: 335.173 ft. to a point, thence proceeding in a direction: S 74-42-38 E, along a line for an approximate distance of: 671.472 ft. to a point, a point located on the approximate centerline of the Montgomery Street R/W [median], thence proceeding in a direction: N 18-12-1 E, along the approximate centerline of the

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Montgomery Street R/W [median] for an approximate distance of: 230.996 ft. to a point, [X: 982,313.1693 ft Y: 740,656.8131 ft], said point being, THE POINT OF BEGINNING. The property is further identified by the Property Identification Number as follows: P.I.N.: 2-0111-13-001B

SECTION 2: That the requirement of Section 8-3182(f)(2) of said Code and the law in such cases made and provided has been satisfied. That an opportunity for a public hearing was afforded anyone having an interest or property right which may have been affected by this zoning amendment, said notice being published in the Savannah Morning News on the 8th day of December, 2012, a copy of said notice being attached hereto and made a part hereof.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ADOPTED AND APPROVED THIS 7TH DAY OF MARCH, 2013.

RESOLUTIONS

Savannah Affordable Housing Fund Policy Guidelines and 2013 Work Plan. A resolution to adopt Savannah Affordable Housing Fund Policy Guidelines and 2013 Work Plan developed by the Savannah Affordable Housing Fund Advisory Committee and authorize the Acting City Manager to contract with Community Housing Services Agency, Inc. (CHSA) to implement the 2013 Work Plan. CHSA Board Members, the CHSA Director, City staff and the City Attorney have reviewed and approved these documents. Recommend approval.

Adopted and approved this 7th day of March, 2013 upon a motion by Alderman Thomas, seconded by Alderman Johnson and unanimously carried. In caption form only.

A RESOLUTION TO AUTHORIZE GRANTING AN OPTION FOR RIGHT-OF-WAY TO THE DEPARTMENT OF TRANSPORTATION FOR THE PURCHASE OF A 0.018 ACRE PARCEL OF LAND ADJACENT TO GULFSTREAM ROAD TOGETHER WITH A TEMPORARY (DRIVEWAY) EASEMENT.

WHEREAS, pursuant to O.C.G.A. §36-37-6(e), the City is authorized to sell or transfer property to another governing authority or government agency for public purposes; and

WHEREAS, the Georgia Department of Transportation (GDOT) has notified the City of Savannah of the need for a 0.018 acre parcel of land as part of the improvements to Gulfstream Road; and

WHEREAS, GDOT is now requesting the granting of an Option for Right-of-Way for the purchase of said land together with a temporary construction easement (“Driveway Easement”) required for the project; and

WHEREAS, the Mayor and Aldermen of the City of Savannah approved said request on March 7, 2013;

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NOW, THEREFORE, BE IT RESOLVED by the Mayor and Aldermen of the City of Savannah in regular meeting of Council assembled, that the Acting City Manager be authorized and directed to execute the Option for Right-of-Way to the Department of Transportation.

ADOPTED AND APPROVED THIS 7th day of March, 2013 upon a motion by Alderman Thomas, seconded by Alderman Johnson and unanimously carried.

A RESOLUTION TO CELEBRATE THE LIFE AND HONOR THE MEMORY OF JOHN PAUL JONES, SR. WHO WAS A FOUNDING MEMBER OF THE LIBERTY CITY, SOUTHOVER, RICHFIELD COMMUNITY IMPROVEMENT ASSOCIATION, INC. AND SERVED ON THE METROPOLITAN PLANNING COMMISSION AND THE ZONING BOARD OF APPEALS.

WHEREAS: Johnnie Paul Jones, Sr., was a native of Atlanta, Georgia and resided in Savannah, Georgia for over 60 years passed away on February 27, 2013.

WHEREAS: He graduated from Booker T. Washington High School in Atlanta and attended Morehouse College in Atlanta and the Atlanta Police Academy. He was a cum laude graduate of Savannah State College. He served in the United States Army in World War II and earned three battle stars; and

WHEREAS: Mr. Jones was one of the first eight African American police officers hired in the City of Atlanta, Georgia and in 2004 Mayor Shirley Franklin paid special tribute to him as a living legend and the last of the magnificent eight, whose bravery established a legacy for all to learn and benefit from; and

WHEREAS: Mr. Jones served as Project Manager of the Housing Authority of Savannah and retired as Rent Schedule Supervisor. He was the first African American to chair the Chatham-Savannah Metropolitan Planning Commission, serving for twenty years and was noted for his diligence, fairness and firmness. He fought the proliferation of bad signage and helped shape the growth of the community in affordable housing, water and mass transportation. He also served on the Zoning Board of Appeals and retired from that board in 2011; and

WHEREAS: Mr. Jones in 1933 joined the Historic Friendship Baptist Church in Atlanta where he served on several church boards and ministries. In 1953, he became a member of Mount Zion Baptist Church in Savannah, GA and chaired numerous church ministries and spearheaded many church projects; and

WHEREAS: Mr. Jones was a founding member of the Liberty City-Richfield-Southover Community Association where he served as secretary for thirty four years and was actively involved in the Association's role in the building of the community center and other programs; and

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WHEREAS: Mr. Jones held a life membership in the National Association for the Advancement of Colored People, the Kappa Alpha Psi Fraternity, Inc., the Savannah State University Alumni Association, and the King-Tisdell Cottage Foundation; and

WHEREAS: Mr. Jones amassed many awards and honors such as: Mount Zion Baptist Church Deacon Board for faithful service, the City of Atlanta Black Officers Trailblazers Award from the National Order of Black Law Enforcement Officers, Savannah State University Cyrus G. Wiley Distinguished Community Service Award, the MPC Chairman's Award, St Mary's Parish PTA Award, the 1997 Kappa Alpha Psi Joseph R. Jenkins Award, the 2008 Economic Opportunity Earl M. Jones Civil Rights Award and served as the 2004 SSU Homecoming Honorary Grand Marshal; and

WHEREAS: Mr. Jones is survived by his wife of 60 years, Parnell M. Jones, his son, Johnnie Paul Jones, Jr., daughters Elmira Williams and Estella Miller of Atlanta, GA, nine grandchildren and two great-grand children; and

WHEREAS: Mr. Jones will be sadly missed by all of us who knew him as his life journey was one of service and many accomplishments personally and professionally. He was well-liked and respected by the members of the community and served as an ambassador for the City of Savannah.

NOW THEREFORE, BE IT RESOLVED THAT the Mayor and Aldermen of the City of Savannah, celebrate the life and accomplishments of Johnnie Paul Jones, Sr. and we offer our appreciation for his service and the impact his life contributed to the Savannah/Chatham County Community.

WE FURTHER RESOLVED that a copy of this resolution be delivered to his family and made a part of the permanent records of the Savannah City Council meeting minutes of March 7, 2013.

ADOPTED AND APPROVED THIS 7th day of March, 2013 upon a motion by Alderman Shabazz, seconded by Alderman Bordeaux and unanimously carried.

A RESOLUTION ESTABLISHING THE NEW LOCATION OF THE ROADWAY OF GENERAL MCINTOSH BOULEVARD AND ITS INTERSECTION WITH CONGRESS STREET IN CONNECTION WITH THE GENERAL MCINTOSH REALIGNMENT AND IMPROVEMENT PROJECT.

WHEREAS, the City of Savannah has laid out and determined to construct certain roads or highways as part of the City of Savannah road system known and designated as General McIntosh Boulevard Realignment and Improvements and connection of Congress Street to General McIntosh Boulevard, all of same will be a part of the City road system and are all within the corporate limits of the City. Said improvements are more fully shown on a map or maps and drawings on file in the Office of the City Manager, City Hall, 2 East Bay Street, Savannah, Georgia; and

WHEREAS, in order to maintain the projected schedule of road construction and other improvements, it is necessary that the Mayor and Aldermen designate and approve the new location of the roadway and cause the location to be published in a newspaper in the County in which the roadway is located; and

WHEREAS, The Improvement of General McIntosh Boulevard and establishment of an entrance to Congress Street East of General McIntosh Boulevard will require outright acquisition, over, under and through several parcels of land and the acquisition of temporary construction easements and permanent utility easements over various parcels of property; and

WHEREAS, the improvement and realignment of General McIntosh Boulevard and establishment of an entrance to Congress Street East of General McIntosh Boulevard are in the public interest and are part of other projects of improvement of roadways.

NOW THEREFORE, IT IS found and determined by the Mayor and Aldermen of the City of Savannah that the map attached hereto as Exhibit "A", should be adopted as the original location of the improved General McIntosh Boulevard and entrance to Congress Street to the East thereof and that same is this date adopted as the original location of the highway and direct the Clerk to cause this location to be published in a newspaper of general circulation in this County as required by law.

SO RESOLVED and APPROVED, this 7th day of March, 2013 upon a motion by Alderman Johnson, seconded by Alderman Osborne and unanimously carried.

BIDS, CONTRACTS, AND AGREEMENTS

Upon a motion by Alderman Thomas, seconded by Alderman Johnson and unanimously carried, the following bids, contracts and agreements were approved per the City Manager's recommendations:

Athletic Equipment – Annual Contract – Event No. 894. Awarded an annual contract to procure various athletic equipment from Equip-it (multiple items) in the amount of \$150.00, Aluminum Athletic Equipment Company (multiple items) in the amount of \$454.50, Bill Fritz Sports Corporation (multiple items) in the amount of \$1,917.98, Riddell/All American (multiple items) in the amount of \$9,186.40 and BSN Sports (multiple items) in the amount of \$37,600.99 for a grand total of \$49,309.87. The athletic equipment will be utilized by Public Facilities, Events and Services for youth and adult athletic league games and tennis facilities. The specifications met required standards for equipment and supplies to operate the various leagues. The low bid for each item was selected for award. Delivery: As Needed. Terms: Net 30 Days. Funds are available in the 2013 Budget, Athletic Services/Sports & Craft Supplies (Account No. 101-6116-51322).

Commercial Irrigation – Annual Contract – Event No. 1015. Awarded an annual contract to procure commercial irrigation from Turf Services Unlimited Inc. in the amount of \$36,000.00. The commercial irrigation will be utilized by Buildings and Grounds for installations and repair

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of commercial/industrial underground sprinkler irrigation systems. Delivery: As Needed. Terms: Net 30 Days. Funds are available in the 2013 Budget, Building and Grounds/Other Contractual Service (Account No. 101-6120-51295).

Outboard Motors – Event No. 1193. Approval to procure outboard motors from Mercury Marine in the amount of \$27,577.00. The outboard motors will be utilized by the Savannah-Chatham Metropolitan Police Marine Patrol unit. The motors will replace current motors in the boats used to patrol waterways. Funds are available in the 2013 Budget, Marine Patrol, Office/Building Furniture/Equipment (Account No. 101-4233-51520).

Wood Chippers – Event No. 1202. Approval to procure two wood chippers from Atlantic Coastal Equipment in the amount of \$27,825.00. The chippers will be used by Park and Tree to replace Units 4227 and 6260 which are no longer economical to repair or operate. The low bidder did not meet the specifications of axle load capacity, chipper opening size, fuel tank capacity and warranty. Prices are based on a contract approved by Council in August, 2011. The approved contractor is willing to hold prices from that contract. Delivery: As Requested. Terms: Net 30 Days. Funds are available in the 2013 Budget, Vehicle Replacement Fund/Vehicle Purchases/Vehicular Equipment (Account No. 613-9230-51515).

Disposal of Scrap Tires – Annual Contract Renewal – Event No. 1211. Renewed an annual contract to procure scrap tires disposal services from Quality Tire Recycling, Inc. in the amount of \$26,000.00. The services will be utilized by Vehicle Maintenance and by Refuse Disposal to dispose of used tires in an environmentally safe and legal manner. This is the last renewal option available. Bids were originally received October 21, 2010. This bid was advertised, opened and reviewed. Delivery: As Requested. Terms: Net 30 Days. Funds are available in the 2013 Budget, Sanitation Fund Operating/Refuse Disposal/Other Contractual Service (Account No. 511-7103-51295).

Towing of Class II Vehicles – Annual Contract Renewal – Event No. 1212. Renewed an annual contract to procure towing of Class II vehicles from Jackson Brothers Car Care Center in the amount of \$31,100.00. The towing services will be utilized by Vehicle Maintenance for inoperable heavy equipment such as street sweepers and garbage trucks. This is the last renewal option available. Delivery: As Requested. Terms: Net 30 Days. Funds are available in the 2013 Budget, Homeland Security Grant/Small Fixed Assets/Buffer Zone Protection (Account No. 212-3114-51510-GT0009).

1. Remote Access Points – Sole Source – Event No. 1232. Approval to procure Remote Access Points (RAPs) from Layer 3 in the amount of \$44,667.36. The 96 Aruba RAPs will be used by the Savannah-Chatham Metropolitan Police Department (SCMPD) to provide secure network connectivity for Mobile Data Terminals (MDTs) in the field. SCMPD secured grant funding from the US Department of Homeland Security FY2010 Buffer Zone Protection Program with the stated purpose of enhancing capabilities to respond to emergencies and disasters. The reason for the sole source is that the pricing for the hardware equipment is based on pricing from the original bid for Aruba equipment approved by Council in August of 2008. Delivery: 30 Days. Terms: Net 30 Days. Funds are available in the 2013 Budget, Homeland Security Grant/Small Fixed Assets/Buffer Zone Protection (Account No. 212-3114-51510-GT0009).

Coban Mobile Data Terminals – Sole Source – Event No. 1233. Approval to procure Mobile Data Terminals (MDTs) from COBAN in the amount of \$48,320.00. These 8 MDTs will be deployed within the Savannah- Chatham Metropolitan Police Department's (SCMPD) Patrol Division to outfit additional vehicles for accessing CAD and Police records management. SCMPD secured funding from the US Department of Homeland Security FY2010 Buffer Zone Protection Program with the stated purpose of enhancing capabilities of response in emergencies and disasters. The reason for the sole source is these specific MDT's have been successfully piloted by SCMPD staff for performance in rugged conditions and found to be superior to MDT's currently in use. The actual processing unit of the computer is installed in the trunk of the police vehicle which reduces the amount of damage that can occur to the computer through the repeated docking and undocking process. Additionally, the computer allows for connection of other modular, integrated equipment such as video cameras at a more economical cost. Delivery: 30 Days. Terms: Net 30 Days. Funds are available in the 2013 Budget, Homeland Security Grant/Small Fixed Assets/Buffer Zone Protection (Account No. 212-3114-51510).

SCMPD Administrative Service Center (PB836) - Contract Modification No. 4 – Event No. 93. Approval of Contract Modification No. 4 to Dabbs-Williams General Contractors, LLC, in the amount of \$52,812.00. The original contract was for the build-out and site work of an approximately 23,415 square foot facility that includes property storage rooms, conference rooms, common areas, offices, restrooms, and other ancillary areas. This contract modification includes adjustments to the parking lot to improve drainage, remediation of deteriorated asphalt pavement, and City-requested changes that include additions of a ventilation fan in the test lab for health and safety, a door at the intake room transaction window for security, bollards at an intersection to protect a Georgia Power pole and extension of power service to an equipment enclosure requested by Information Technology. The cumulative total of the agreement requires Council approval of this modification. The original contract was \$3,726,546.00. The total of all contract modifications to date including this modification is \$96,291.00 making the contract total price \$3,822,837.00. Recommend approval of Contract Modification No. 4 to Dabbs-Williams General Contractors, LLC, in the amount of \$52,812.00. Funds are available in the 2013 Budget, Capital Improvement Projects/Other Costs/SCMPD Administrative Services Center (Account No. 311-9207-52842-PB0836).

Critical Work Force Shelter (WT228) – Summary Contract Modification No. 5 – Bid No. 10.302. Approval of Summary Contract Modification No. 5 from Dabbs-Williams in the amount of \$28,579.62. The original contract was for the construction of a new critical workforce shelter to provide shelter and housing for approximately 240 City critical workforce employees during hurricanes or other natural catastrophic events. During non-emergency events, the facility will also serve as a multi-use facility for meetings and training purposes. This contract modification includes field adjustment quantities based on actual installation. Items adjusted include: upgrading of acoustical ceiling tile, changes to electrical circuits and breakers, the addition of programmable time clock on the parking lot lighting, addition of a manifold system to gas system, and the addition of a control panel to HVAC (heating, ventilation, and air conditioning) controls. The cumulative total of the agreement requires Council approval of this modification. The original contract amount was \$5,590,000. The total of all contract modifications to date including this modification is \$152,639.15 making the final contract total price \$5,742,639.15.

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Approval of Contract Modification No. 5 to Dabbs-Williams in the amount of \$28,579.62 and a 157-day time extension. Funds are available in the 2013 Budget Account No. (311-9207-52842-WT228) Capital Improvements Fund/Capital Improvements Projects/Other Costs/Critical Workforce Shelter.

LOST Certificate of Distribution and Jail Services Intergovernmental Agreement. Approval of a Certificate of Distribution with Chatham County and the Cities of Bloomingdale, Vernonburg, Thunderbolt, Tybee Island, Port Wentworth, Pooler, and Garden City providing that the proceeds of the Local Option Sales Tax (LOST) shall be distributed by the State Revenue Commissioner as follows:

		<u>April 1, 2013-</u> <u>December 31,</u> <u>2013</u>	<u>January 1, 2014-</u> <u>December 31,</u> <u>2022</u>
City of Bloomingdale	shall receive	1.36%	1.36%
City of Garden City	shall receive	4.30%	4.30%
City of Pooler	shall receive	8.84%	8.84%
City of Port Wentworth	shall receive	2.47%	2.47%
City of Thunderbolt	shall receive	1.23%	1.23%
City of Tybee Island	shall receive	1.73%	1.73%
City of Vernonburg	shall receive	0.07%	0.07%
City of Savannah	shall receive	58.00%	57.00%
County of Chatham	shall receive	22.00%	23.00%

This certificate shall continue in effect until such time as a new certificate has been executed as provided in an Act of the Georgia General Assembly, effective January 1, 1980, relating to Local Sales & Use Taxes.

The Certificate of Distribution states that in consideration of this agreement, Chatham County agrees to accept and be responsible for all costs for the incarceration and housing at the Chatham County Detention Center of those persons arrested by officers or officials of Savannah, Bloomingdale, Vernonburg, Thunderbolt, Tybee Island, Port Wentworth, Pooler, and Garden City. Said Cities shall not be responsible for the payment of any per diem fees, booking or other fees for the life of this Certificate.

Mayor Jackson thanked Savannah City Council, Bloomingdale, Vernonburg, Thunderbolt, Tybee Island, Port Wentworth, Pooler, and Garden City for remaining as a team with all the cities. She also thanked the Chairman of the County Commission for realizing an agreement needed to be reached. She recognized the City Attorney, the Committee members Acting City Manager Stephanie Cutter, Acting Assistant City Manager Dick Evans and Consultant Michael Brown. They pulled it all together and it was a mammoth task; however, she recognized Alderman Sprague for her efforts and never missing a meeting. Alderman Osborne addressed the citizens of Savannah saying they have a great leader in Mayor Jackson, this was agreed by other municipalities and everyone was proud of her.

Upon a motion by Alderman Sprague, seconded by Alderman Osborne and unanimously carried, the approval was given.

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Settlement Agreement with Ruby-Collins, Inc. Approval of settlement and payment to Ruby-Collins, Inc. in the amount of \$480,000.00 to resolve litigation concerning the Southwest Quadrant Area Phase II Pump Station Project (CIP SW-225C-07).

Upon a motion by Alderman Johnson, seconded by Alderman Shabazz and unanimously carried, the settlement was approved.

Security Services for I & D Water Plant – Annual Contract – Event No. 942. Awarded an annual contract to procure security services from Dothan Security Inc. in the amount of \$33,750.00. The security services are needed for the I & D Water Plant to enhance the safety and security of the employees and visitors to the Water Plant. The services will be provided during normal business hours and will not include weekends or City holidays. Funds are available in the 2013 Budget, I & D Water Operation/Security Guard Services (Account No. 531-2581-51241).

Alderman Hall said AP Security Agency was a local minority firm and he wished they had been considered. He said the process was fair and he realized the company chosen was out of the state and those were his reasons for voting no. Upon a motion by Alderman Bell, seconded by Alderman Thomas and carried the contract was awarded with Alderman Hall voting no.

Curbside Carts – Annual Contract – Event No. 854. Awarded an annual contract to procure curbside carts from Otto Environmental in the amount of \$57,703.00. The curbside carts will be used for collection of household garbage from all City residents and will be utilized by the Residential Refuse Department. Delivery: As Needed. Terms: Net 30 Days. Funds are available in the 2013 Budget, Sanitation Cart Purchase Fund, Office/Building Furniture/ Equipment (Account No. 513-0000-51520). A Pre-Bid Conference was conducted and three vendors attended. (D)Indicates nonlocal, non-minority owned business.

Upon a motion by Alderman Thomas, seconded by Alderman Johnson and unanimously carried the contract was approved.

There being no further business, Mayor Jackson declared this meeting of Council adjourned.



Dyanne C. Reese, MMC
Clerk of Council